

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING – REZONINGS)**

March 22, 2004

7:00 PM

In the absence of the Mayor, Chairman Shea called the meeting to order.

Chairman Shea called for the Pledge of Allegiance, this function being led by Alderman Gatsas.

A moment of silent prayer is observed.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, O’Neil, Lopez,
Shea, DeVries, Garrity, Smith, and Forest

Absent: Aldermen Guinta and Thibault

Chairman Shea advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to proposed Zoning Ordinance changes; that the Clerk will present the proposed Zoning Ordinance changes for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

The Clerk presented the first proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include a portion of TPK 3-5A, a portion of TPK 3-5B, a portion of TPK 3-6, TPK 3-6A, TPK 3-7, & TPK 3-8 currently zoned R-3 (Urban Multifamily).”

Chairman Shea requested that Robert MacKenzie, Director of Planning, make a presentation.

Mr. Robert MacKenzie stated I have just one slide to show you. Many of the Board members are probably familiar with this particular parcel. Just to orient you a little more – Granite Street is right here, the Merrimack river. This is I-293, the Everett Turnpike, Second Street extends down here and School Street is a fairly short street extending here. The zoning is B-2 on much of Granite Street. You can see in light pink here. The B-2 is a general business district and allows a variety of uses from retail to office to service to club. The R-3 is a high-density residential district that you can see here in yellow. This district

does allow two-family, three-family and multi-family units. It does also allow certain commercial uses by conditional use permit. The proposal tonight is to extend this B-2 district southerly to include an entire parcel. You can see in dark red here is the proposed B-2 extension. There are several parcels involved here. These parcels are owned by the State of New Hampshire and have been proposed by the state to, as I understand it, be sold to the Raphael Club. As you may remember, this entire area is going to undergo reconstruction. The state is rebuilding the interchange so there will be a southbound off and in this case that new leg of the highway will require demolition of this building, which is the former Henry's Auto Body and this building, which is the Raphael Club. There will also be a northbound on-ramp right here and the City is proposing to make improvements and widen Granite Street. In the end, even though the highway will be widened, this particular ramp will not change in location too much. It will be a new configuration; a single point diamond interchange but again this ramp will not change to any significant extent. I would note that the Planning Board has provided a letter according to the new procedure and they are recommending against this particular change. They believe that in particular they are looking at the Raphael Club as perhaps preventing some larger development, either on this side or within the neighborhood and would like some more planning done in this area before it would determine a zoning change. The Planning staff, our department, has not made any recommendation at this point. We did want to hear what came up at the hearing. To some extent you have to factor in a difference between the zoning of the parcel and what may be proposed. Normally a Board will look at whether the parcel itself is appropriate for a particular use and not necessarily the use that may or may not go on the site. Again, I did want to highlight that this particular parcel or series of parcels is at the intersection of a major highway interchange and two arterial streets – Granite Street and Second Street. So there is certainly justification for the Board to be looking at those parcels or to consider them for rezoning, but again the staff has not provided or prepared any specific recommendation on it. I would be happy to answer any questions from the Board.

Alderman Osborne asked is that location...are there a bunch of multi-family homes sitting right here.

Mr. MacKenzie answered the current red area is just a big large grass area. There are multi-families all around here. These two buildings here are fairly large multi-families and a couple of the buildings in this area. You can actually see the buildings in this location. This is a restaurant, a Chinese restaurant.

Alderman Osborne asked so Red Oaks has property...

Mr. MacKenzie interjected Red Oaks owns a number of properties further down. I am not sure if they own that property but they certainly own several of the properties to the south of this area. This particular building is a church. I do know that they own a number of the properties further to the south.

Chairman Shea called for those wishing to speak in favor.

Barry Boisvert, 4 Worthley Hill Road, Goffstown stated:

I am here tonight to talk to you about the land that you just heard about. I am here on behalf of the Raphael Club. I am representing the Raphael Club as both the contractor and representing here tonight to discuss some of the points that we would like to bring forth. I am going to read a prepared statement and I will be prepared to answer any questions after that. The Raphael Club is being forced to relocate due to the State of New Hampshire's eminent domain acquisition of the current club and property. The acquisition is a result of the exit ramp and sewer line construction being planned by the State of New Hampshire and it is going to be constructed in conjunction with the City of Manchester. Prior to settling on this lot, the Raphael Club met with the Governor's Council two years ago as the property is owned by the State of New Hampshire. The Governor's Council not only approved the sale of the property to the Raphael Club but part of the negotiation and final conditions of the eminent domain acquisition was that the Raphael Club have the ability to purchase the land because of the relocation and at this point they have signed a purchase and sales agreement for the land. Now they did, prior to settling on this land, complete an exhaustive site search and the best place, the best piece of property is where we are discussing right now, which is 15 School Street. Prior to the commencement of construction this property should be rezoned and should be zoned entirely for business. Currently it is divided into two zones. Half of Granite Street is B-2, Business and the balance is R-3, which is as we heard earlier urban and multi-family. The current businesses in the area include Cumberland Farms, Mobile Gas Station, Tung Ho restaurant and the Raphael Social Club among others. Since 1934, the Raphael Club has been a good neighbor and by allowing the rezoning to take place as is being requested tonight the following will be achieved. Number one, the integrity of the neighborhood will be maintained. Number two, the eminent domain process attempts to purchase properties for fair market value so that the ones being displaced can be in a position to replace their property. 15 School Street will allow exactly that. Next with so much commercial property surrounding the block it would be unsafe to allow an expansion of anything other than the business side of things. By allowing the block to be rezoned to business the City of Manchester would be acting in the best interest of its constituents with regard to safety, neighborhood chemistry and overall business. Granite and Commercial Streets is a very busy intersection and the traffic count will be increased when the new off-ramp is constructed. The Raphael Club by its relocation from its current spot to 15 School Street will not impact the traffic being brought into that intersection. The only access to this property will be off of School Street and that was by design and it was met for the safety as well as an easier way on and off the main thoroughfare. Traditionally, the Raphael Club is an off business hours usage. It will blend the same way it blends today into the neighborhood. If the parcel is rezoned, the real estate taxes will be increased for that area. It is such a small lot that without rezoning the property it would be of little value and no one is going to realize the right value for a property that is right now split in half. This is not what

we call piecemeal zoning. Half of the lot is currently zoned business and we are asking that the entire lot be rezoned for the same zone of half of what is already there. Thank you.

Chairman Shea called for those wishing to speak in opposition.

John Cronin, 81 Wagner Street, Manchester stated:

I am an attorney and also a 20-year resident of Manchester. I am here tonight as counsel and representative for Red Oak Property Management, Inc. I think the Board is well aware that Red Oak has substantial real estate holdings that are located in the area of Granite Street and Second Street. In my graphic that I have here I can show you generally in the dark green highlighted area that is a combination of multi-family buildings that are located in the area of Second Street that house young families and a broad mix of different housing units. As you will see up here at the top we have Granite Street and also shaded in green is a parcel that is the subject of rezoning tonight. The investment of Red Oak in that particular area is upwards of \$4 million. Some time ago Mr. Dupont, the principal of Red Oak came before a prior Board and suggested some plans for redevelopment. He hired TF Moran, one of the leading engineering firms and came up with a comprehensive conceptual plan for future redevelopment of that area. Critical to those particular plans is the property that is the subject of zoning tonight. As it is currently laid out in the plan and as I see the easel coming here shortly I will show you, it called for open space in that particular area. Since it was known that this particular project was going to be the gateway to Manchester, Mr. Dupont has actively been inquiring about the ability to gain an interest in that property or make sure that it is developed in harmony with his future plans. Despite his efforts and many efforts to try to work with the Raphael Club to find another suitable location, he comes here tonight now having made much progress but still as early as this weekend identifying other sites that may be suitable to the Raphael Club. Our comments tonight are not against the Raphael Club. We recognize that it is a great organization that has deep civic, philanthropic and political roots in the community. We just think looking at that particular parcel, which could be a key to future development and putting a social club, basically a tavern, something that is serving alcohol, in an area with many, many children is probably not the highest and best use for that particular site. We believe the Raphael Club deserves a home. They deserve a place to set-up their civic association but we don't think that is the particular parcel. We also don't believe that there is any rush to rezone this particular piece. I note that the Planning Board has expressed opposition to rezoning. My understanding based on a meeting last week with Carol Murray that there is no specific date for the demolition of the Raphael Club and they can stay in the present location while further efforts are undertaken to find a home. I would suggest that because this particular piece is so critical that you look at it carefully. Once that is developed and you have a civic club it is really going to diminish the ability to develop the other corridor to its highest and best use. Taking a look at this particular sketch and I don't know if you can see it over there Alderman O'Neil but it shows a mixed use of different buildings for that particular corridor. There are apartments and high rise and low rise, as well as potential office. We also note that there is going to be a substantial investment in the

river crossing that will link this area to the new baseball stadium. Without this particular parcel being considered in the mix, whether it is owned by Red Oak or owned by the City or owned by somebody else we think it could have a detrimental long-term impact. We dispute the comments of one of the prior speakers that this particular land, as it is zoned R-3, does not have value. We understand that the purchase and sales agreement is not yet finalized. There is an offer for \$250,000. Mr. Dupont extended an offer last week for \$600,000 for that property so we are optimistic that there still may be efforts to participate at least in a competitive bidding process for that particular property. In looking at the statute, I notice that the state does have the right to sell that property to someone impacted by a taking and the Raphael Club is certainly going to be impacted as is Red Oak but I also notice that the City of Manchester has some rights in the first instance and the City of Manchester, if it so desires, may have a priority interest to get control of that property. I don't know if that is something that has been considered as of this point but maybe it is something that can be looked into. I would suggest that you not vote in favor of rezoning tonight because it is a critical piece, a critical gateway to future good things that are happening. If you take your time and let the Planning Board and Planning staff do what it needs to do...we are certainly going to commit to work with the Raphael Club to hopefully find them another location that may be more suitable while preserving this very important piece for future redevelopment. Thank you.

The Clerk presented the second proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by changing the maximum height of residential structures in the R-3 (Urban Multifamily) district from 35 feet to 45 feet.”

Chairman Shea requested that Robert MacKenzie, Director of Planning, make a presentation.

Mr. MacKenzie stated there are no particular graphics that I have to show this. This effects all of the multi-family districts, all of the R-3 districts in terms of the height. Generally the issue is that if you build a full three-story in an R-3 district it limits you the way that roof pitches are defined under the building code that you cannot have a pitched roof. This does not really change any density issues, this particular proposal. Prior to the request by this particular applicant, the staff had been planning on bringing this issue in with some other issues. In essence it allows the opportunity for someone to have a gabled roof rather than a flat roof if they want to build a full three-story in the R-3 district. So again it changes the look of the building and some people would argue that the aesthetics are much better with a gabled roof rather than a flat roof and does not change any of the density issues within the R-3 district. I would be happy to answer any questions from the Board.

Alderman DeVries asked was this part of the look back provisions that were under review with the Planning Board.

Mr. MacKenzie answered there were 13 specific ones as I remember and it was not one of those 13 but it was on a list that we have had for about a year of other items that we wanted to bring in. We have determined that it has been a problem in some areas and, in fact, about a year ago we changed one of the other districts to allow a little bit more height so that gabled houses could go in and I believe it was the R-SM district.

Alderman DeVries stated if my memory serves me correct did the Planning Board not take up the discussion also and they were coming forward with this request on their own when the rest of the look back provisions were addressed.

Mr. MacKenzie responded yes. This has been mentioned before by the Planning Board. I would note and I am glad you brought that up that the Planning Board did take this matter up and recommended approval of this particular provision.

Chairman Shea called for those wishing to speak in favor.

Mr. Elmer Pease stated:

I have with me this evening Atty. Nick Lazos to my right and Mr. Alex Bayliss to my left. We covered some of the items at the previous hearing and Bob MacKenzie pretty much covered the reason why we requested that the Aldermen consider raising the height, not the number of stories, from 35 feet to 45 feet. It does provide us the opportunity to construct a building instead of with a flat roof with a peaked roof. It allows a better look and additional architecture treatments. We have provided a small 8 ½” x 11” of the proposed buildings and some elevations and a floor plan and I would be more than happy to answer any of your questions.

Mr. Norman Morais, Riverfront Drive, Manchester stated:

I am President of the association at Dockside II and I would like to express our support of this. I have been empowered by six of our residents who also support this. We think it will be a good deal more aesthetically in concert with what we have both at Dockside I and Dockside II as well as Meetinghouse. It is much better than a flat roof situation.

Chairman Shea called for those wishing to speak in opposition.

There were none.

Chairman Shea advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

This being a special meeting of the Board, no further business was presented and on motion of Alderman Smith, duly seconded by Alderman Garrity it was voted to adjourn.

A True Record.

City Clerk